

TAKANO
Application No. 09/997,001
July 11, 2005

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including this figure. In Fig. 1, reference labels “108A” (two instances) and “108K” have been corrected to be consistent with the written specification.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested. Currently, claims 1-20 are pending in this application.

Rejections Under 35 U.S.C. §102 and §103:

Claims 1, 5-8, 11-15 and 18-20 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Allen (WO '311). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. Each element of the claimed invention is not found in Allen. For example, Allen fails to disclose “said second terminal is unable to execute rental of the content program by storing the content program in the prescribed memory,” as required by independent claim 1 and its dependents. Independent claims 8, 12 and 15 and their respective dependents require a similar limitation. Allen also fails to disclose “wherein the returning terminal is unable to execute rental of the content program by storing the content program in the prescribed memory,” as required by independent claim 13 and its dependents. Independent claim 14 and its dependents require a similar limitation.

Independent claims 1, 8, 12 and 15 therefore require a second terminal (or a “returning terminal” in independent claims 13 and 14) which is unable to execute rental of a content program by storing the content program in a prescribed

memory. This second terminal is therefore, in effect, a “return only” terminal. This feature is supported by, for example, “kiosk returning terminals 110A-110Q” in Figs. 1-2 of the application. (See also page 12, lines 5-17 and page 13, line 23 to page 14, line 23 of the originally-filed specification).

Allen discloses a system having a host data center 10 which communicates via a fiber optic network with a plurality of remote manufacturing centers 20. (See Figs. 1-2). Video titles to be rented are transmitted from the host data center 10 to the manufacturing centers 20, each of which is provided with a high-speed recording facility for recording the video onto a required medium (VHS tape cassette or DVD). A user in Allen’s system returns the VHS cassette tape or DVD back to the manufacturing center 20 at which a recording to be rented can be produced. For example, page 40, lines 24-27 of Allen states “As described above in the case of a rental, this entire transaction will not be closed or completed until the prerecorded videocassette is returned to the inventory at the retail outlet 20.” Moreover, page 13, lines 16-20 of Allen states “The tapes are retrieved from this storage cabinet 130 and loaded under robotic control into the high-speed VHS recorder within unit 115. Also included in the high-speed VHS recorder unit is the ability to record and refurbish tapes which are returned after rental by the consumer.”

Accordingly, Allen fails to disclose or suggest providing, in addition to the manufacturing centers (retail outlets) 20, terminals where recordings are to be

returned, but not manufactured and rented out. Moreover, modification of the Allen system would be inconsistent with its explicit teachings that the medium (VHS tape cassette or DVD) carrying the rented recording is retained, recorded, refurbished (3R capability) and loaded into the robotic storage cabinet 130 for future use. (See page 13, lines 18-20 and page 40, line 1). The reason that the VHS tape cassettes or DVDs in the Allen system are recovered at the manufacturing center is so that they can be re-used (i.e., re-recorded for re-rental). Accordingly, Allen's system clearly does not disclose or suggest the above-noted claim limitations since an essential part of the Allen system is to have the VHS tape cassettes or DVDs returned to the manufacturing center 20 for re-use.

Accordingly, Applicant respectfully submits that claims 1, 5-8, 11-15 and 18-20 are not anticipated by Allen and respectfully requests that the rejection of these claims under 35 U.S.C. §102 be withdrawn.

Claims 2-3, 9-10 and 16-17 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Allen in view of Jacobi et al (U.S. '722, hereinafter "Jacobi"). Claim 4 was rejected under 35 U.S.C. §103 as allegedly being unpatentable over Allen in view of Spies et al (U.S. '314, hereinafter "Spies").¹ Applicant respectfully traverses these rejections. Since each of these claims depends from one of independent claims 1, 8 and 15, all of the comments

¹ The Office Action indicates that U.S. Patent No. 6,055,314 is "Simon et al." However, the first named inventor of this reference is "Spies."

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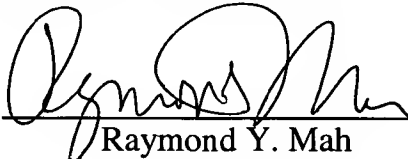
made above apply equally to these dependent claims. Neither Jacobi nor Spies remedies the above described deficiency of Allen relating to a second terminal (or "returning terminal") being unable to execute rental of a content program by storing the content program in a prescribed memory. Accordingly, Applicant respectfully requests that the above rejections under 35 U.S.C. §103 be withdrawn.

Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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FIG. 1

